

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Daniel J. Stallone, Code Compliance Official: 797-1121
Mark A. Kutney, AICP, Development Services Director: 797-1101

SUBJECT: Resolution

AFFECTED DISTRICT: District 4

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF THE CODE COMPLIANCE LIEN IN CASE NO. 03-698 FROM \$4099.72 TO \$893.67; AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF: The property owner was cited for the following violation of the Town of Davie Code:

Section 9-51(b): Overgrown property prohibited.

Section 11-17: Derelict property prohibited.

PREVIOUS ACTIONS: Not applicable.

CONCURRENCES: The respondent/applicant agreed with the Mitigation Guidelines recommendation.

FISCAL IMPACT: Not applicable.

RECOMMENDATION(S): The new owners of the property E-Vest Homes corrected the violations immediately after ownership of the subject property was officially transferred, therefore, mitigation is now possible. The mitigated amount will cover the Town expenses and the recommended mitigation amount of \$893.67 should be considered by the Town Council and the respondent/applicant given 45 days to pay the mitigated amount.

Attachment(s): Resolution, Mitigation Request Summary, Mitigation Worksheet and Mitigation Guidelines.

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF A CODE COMPLIANCE LIEN IN CASE NO. 03-698 FROM \$4,099.72 TO \$893.67; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Rhonda Gale Talley Est./Steve Egan and E-Vest Homes, has requested a mitigation of a Code Compliance lien from \$4,099.72 to \$893.67; and

WHEREAS, the Town of Davie Code Compliance Division has determined that the violation of Code Sections 9-51(b) and 11-17 were corrected; and

WHEREAS, the mitigation amount of \$893.67 is in accordance with the mitigation guidelines; and

WHEREAS, Rhonda Gale Talley Est./Steve Egan and E-Vest Homes, and the Town of Davie Code Compliance Division are agreeable to such mitigation; and

WHEREAS, the Town Council is agreeable to such mitigation.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. That the certain Code Compliance lien arising out of Case 03-698 in the amount of \$4,099.72, against Rhonda Gale Talley Est./Steve Egan and E-Vest Homes, is hereby mitigated in amount to \$893.67.

SECTION 2. That this mitigated amount of \$893.679 be paid to the Town within 45 days of the enactment of this Resolution. Should this amount of \$893.67 not be paid within the specified time the lien shall revert to the original amount of \$4,099.72.

SECTION 3. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2005

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS ____ DAY OF _____, 2005

MITIGATION REQUEST SUMMARY

DATE: November 30, 2004

NAME: Rhonda Gale Talley Est./Steve Egan and E-Vest Homes

ADDRESS: 13121 SW 7 Court

CASE: 03-698

SUMMARY:

Date respondent cited:	June 25, 2003
Date of Final Order:	July 28, 2003
Non-Compliance Hearing(s):	September 16, 2003
Fine/Lien(s) Imposed:	\$ 4,099.72 with interest

Department Guideline recommended mitigation amount:	\$ 893.67
Amount the respondent desires to pay:	\$ 893.67

The property owner was cited for the following violations of the Town of Davie Code:

Section 9-51(b): Overgrown property. The property has been cut and properly maintained.

Section 11-17: Derelict property. The derelict property has been removed.

The violations have been corrected and mitigation is now possible.

The mitigated amount will cover the Town expenses and the recommended mitigated amount of \$893.67 should be considered and approved by the Town Council and the respondent given 45 days to pay the mitigated amount.

DANIEL J. STALLONE
CODE COMPLIANCE OFFICIAL

**TOWN OF DAVIE CODE COMPLIANCE
MITIGATION WORKSHEET
CASE #02-660**

Respondent(s): Rhonda Gale Talley Est./Steve Egan and E-Vest Homes

Address: 14045 Langley Place, Davie, FL

Fine/Lien Amount: \$4,099.72

Mitigation Recommendation:
(as per approved mitigation guidelines)

a) 2.5% of \$4,099.72	=	\$ 102.49
b) 2% of \$4,099.72 38 days of non-compliance equals 2% of lien/fine per 60 days of non-compliance	=	\$ 81.99
c) Mitigation Base Fee (Town costs incurred by Code Compliance)	=	\$ 709.19
Total	=	\$ 893.67

TOWN OF DAVIE MITIGATION GUIDELINES

FINE AMOUNT

RECOMMENDATION

Fine to \$10,000

**2.5% of the amount plus an additional 2%
For each sixty (60) days of violation plus
actual costs incurred by the Town.**

\$10,000 - \$20,000

**5.0% of the amount plus an additional 2%
For each sixty (60) days of violation plus
actual costs incurred by the Town.**

\$20,001 - \$30,000

**7.5% of the amount plus an additional 2%
For each sixty (60) days of violation plus
actual costs incurred by the Town.**

\$30,001 - \$40,000

**10.0% of the amount plus an additional 2%
For each sixty (60) days of violation plus
actual costs incurred by the Town.**

\$40,001 - \$50,000

**12.5% of the amount plus an additional 2%
For each sixty (60) days of violation plus
actual costs incurred by the Town.**

\$50,001 - \$60,000

**15.0% of the amount plus an additional 2%
For each sixty (60) days of violation plus
actual costs incurred by the Town.**

\$60,001 - \$70,000

**17.5% of the amount plus an additional 2%
For each sixty (60) days of violation plus
actual costs incurred by the Town.**

\$70,001 - \$80,000

**20.0% of the amount plus an additional 2%
For each sixty (60) days of violation plus
actual costs incurred by the Town.**

\$80,001 - \$90,000

**22.5% of the amount plus an additional 2%
For each sixty (60) days of violation plus
actual costs incurred by the Town.**

\$90,001 - \$100,000

**25.0% of the amount plus an additional 2%
For each sixty (60) days of violation plus
actual costs incurred by the Town.**

Over \$100,000

**30.0% of the amount plus an additional 2%
For each sixty (60) days of violation plus
actual costs incurred by the Town.**

This schedule would be utilized for first time violators and repeat violators.

MITIGATION BASE FEE (COST OF CASE ADMINISTRATION AND DEVELOPMENT) SHALL BE ADDED TO THE TOTAL DERIVED FROM APPLICATION OF ABOVE GUIDELINES. THE MITIGATION BASE FEE IS BASED UPON THE EXPENSES INCURRED BY TOWN EMPLOYEES AND ALL ACCOMPANYING COSTS.

MITIGATION BASE FEE* \$709.19

***Subject to revision as per current staff salaries**

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